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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,038	04/05/2000	Kevin E. Spaulding	80916RLO	6817
21171	7590	03/10/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	3
DATE MAILED: 03/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/543,038	SPAULDING ET AL.
	Examiner Madeleine AV Nguyen	Art Unit 2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-10 and 12-28 is/are rejected.  
 7) Claim(s) 11 is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 April 2000 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
     1. Certified copies of the priority documents have been received.  
     2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
     3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: an application number should be provided on page 1, line 7.

Appropriate correction is required.

### ***Drawings***

2. The drawings are objected to because “Limted” in box 41 of Fig.4 should be --Limited-- . A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

3. Claims 1-10, 12-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Popa (US Patent No. 6,006,231) in view of 5,66,215).

Concerning claim 1, Popa disclose a method for providing a user access to a color digital image (Fig.3) comprising the steps of representing the color digital image with a limited color digital image (low resolution digital image) , and one or more associated residual image(s) representing a difference between the color digital image and the limited color digital image (the difference between a high resolution image and the original image); storing the limited digital image and the associated residual image(s) in an electronic memory (14); providing the user's or

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user's designee access to the limited color digital image to provide a preview image (col. 6, lines 21-31); providing the user or user's designee access to the associated residual image(s) in the electronic memory (col. 6, lines 14-31).

Popa fails to teach that the color digital image is an extended color gamut digital image. However, as described in the specification, "The extended color gamut digital image 20 can take many different forms. For example, the image can be a scanned photographic print, a scanned photographic negative, a scanned photographic transparency, or an image from a digital camera, etc." (page 6, lines 3-7). Popa also teaches that the image can be a scanned photographic print, a scanned photographic negative, a scanned photographic transparency, or an image from a digital camera, etc (col. 6, lines 45-53). It would have been obvious to one skilled in the art at the time the invention was made to consider the color digital image in Popa is the extended color gamut digital image since the image taught in Popa has similar limitations as in the one in the claimed invention.

Popa fails to teach the step of obtaining a payment identifier from the user and making payment using such payment identifier to permit the user or user's designee access to the digital image. However, it was commonly known in the art that the user has to pay before receiving a request for loading some information from the network. Fredlund et al supports that well known in the art by teaching a system for remotely selecting photographic images wherein the user has to pay for his ordering related image services (Abstract). From Figs. 4-5, the user has to provide his name, address, payment method, the credit card information when submitting an order. It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of Fredlund to the method in Popa so that the user has to pay before getting the

associated residual image(s) since Popa also teaches that his invention can gain significant savings in services and costs for users, vendors or service providers such as scanner manufacturers, printer manufactures, radiology and medical image, image selection for digital photography (col. 2, lines 40-42; col. 3, lines 42-49; col. 6, lines 50-53).

Concerning claims 2-3, 7-10, 12-23, Popa further teaches the electronic memory is a network server, a computer readable storage medium (Fig.3), the limited color digital image is in a particular device dependent color space such as RGB color space (for displaying) and displaying the limited color digital image on a display using a communications network (Fig.3; col. 6, lines 22-31); the limited color digital image is stored in a different digital image file with the residual image(s) (col. 5, lines 42-48); the residual image(s) together with the limited color digital image to form a reconstructed extended color digital image (col. 6, lines 14-21); the step of applying a desirable image modification to the reconstructed extended color digital image wherein the modification is interactively user specified by applying an automatic algorithm to the digital image or modified color reproduction aims to the image (col. 5, line 49 – col. 6, line 6); the step of using the residual image(s) together with the limited color digital image to form a digital image appropriate for displaying on an output device; the extended color digital image originates from a scan of a photographic negative or a scan of photographic transparency or a scan of a photographic print or from a digital camera; the residual image(s) are determined by computing a difference between the extended color digital image and the limited color digital image (col. 6, lines 12-58; col. 9, line 41 – col. 15, line 27).

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Concerning claims 4-6, Fredlund further teaches that the payment identifier includes information about an account from which payment is to be electronically transferred, a credit card account, the step of providing a reader for reading a credit card from the user (Fig.5).

Concerning claim 24, Popa in view of Fredlund discloses the method as claimed in claim 1 above. Popa further teaches the step of specifying a desirable modification to the image (col. 5, line 59 – col. 6, line 6).

Concerning claims 25-27, Popa further teaches that the modification is interactively user specified by applying an automatic algorithm to the digital image or modified color reproduction aims to the image (col. 5, line 49 – col. 6, line 6).

Concerning claim 28, Popa in view of Fredlund discloses a computer storage product having at least one computer storage medium having instructions stored therein causing one or more computers to perform the method as claimed in claim 1 above (Fig.3).

#### *Allowable Subject Matter*

4. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an Examiner's Statement of Reasons for Allowance: Claims 11 is allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior art which teaches a method claimed in claim 1 wherein the residual image representing a difference

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between the extended color gamut digital image and the limited color gamut digital image are stored as meta-data in a digital image file.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lin et al (US Patent No. 6,421,142) discloses an out-of gamut color mapping strategy for improving color matching between original color image and reproductions.
- b. McCann et al (US Patent No. 6,516,089) teaches an in-gamut image reproduction to improve color digital image reproduction quality by mapping the gamut associated with a color digital image to the gamut of a particular device.
- c. Weldy (US Patent No. 5,297,219) recites transforms of digital images.
- d. Schwartz (US Patent No. 6,075,888) teaches a system for creating a device specific color profile.
- e. Gregory, Jr. et al (US Patent No. 5,583,665) discloses a method and apparatus for performing color transformations using a reference image combined with a color tracer.
- f. Ellson et al (US Patent No. 5,583,666) teaches a method for transforming an input color space to an output color space where subset of remaining input color values for transformation are formed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen  
Primary Examiner  
Art Unit 2626

February 12, 2004